

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

RECEIVED

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RAMON LOPEZ,

Complainant,

v.

Docket No. C2011-5

POSTAL REGULATORY  
COMMISSION  
OFFICE OF THE SECRETARY

U.S. POSTAL SERVICE,

Respondent.

SUPPLEMENTAL COMMENTS

In compliance with the order issued by the Commission on February 21, 2012, Ramon Lopez, Complainant respectfully submits for filing and consideration the following affidavit and declaration in support of his complaint and reply.

1.. Affidavit of Tomas Caballero, caretaker of Complainant's homestead.

2. Declaration of Complainant, Ramon Lopez in support of his complaint and reply.

Respectfully submitted,

on this 26<sup>th</sup> day of March, 2012,

By: 

Ramon Lopez, Pro Se  
Complainant  
FCC-USP 1  
PO Box 1033-42004004  
Coleman, FL 33521-1033

CERTIFICATE OF SERVICE

Complainant, Ramon Lopez hereby certifies that on this 26<sup>th</sup> day of March, 2012, he served the Office of the General Counsel USPS at 475 L'Enfant Plaza, SW, R-6004, Washington, DC 20260-1100 with a copy of the foregoing Supplemental Comments and attachments, via U.S. Mail, first class prepaid.

A handwritten signature in blue ink, appearing to read 'Ramon Lopez', is written over a horizontal line.

RAMON LOPEZ, COMPLAINANT



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Mailing Label  
Label 11-B, March 2004

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code 33144	Day of Delivery 3/26	Postage \$ 18.95	
Date Accepted 3/23/12	Scheduled Date of Delivery 3/26	Return Receipt Fee	
Mo. Day Year 3 23 12	Month Day 3 26	COD Fee	
Time Accepted 5:13 PM	Scheduled Time of Delivery 3 PM	Insurance Fee	
Flat Rate <input checked="" type="checkbox"/> or Weight 1.90 lbs.	2nd Day <input type="checkbox"/> 3rd Day <input type="checkbox"/>	Total Postage & Fees \$ 18.95	
Int'l Alpha Country Code		Acceptance Emp. Initial	

FROM: (PLEASE PRINT) PHONE ( )

Tomas Caballero  
11180 SW 57th ST  
Miami, FL 33173

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Call 1-800-222-1811



DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			

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I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

☐ **NO DELIVERY**  
☐ Weekend ☐ Holiday ☐ Mailing Signature

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Ramon Lopez  
P.O. Box 1033-42004004  
Coleman, FL 33521-1033

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UNITED STATES POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

RAMON LOPEZ,

Complainant,

vs.

UNITED STATES POSTAL SERVICES,

Respondent.

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AFFIDAVIT OF TOMAS CABALLERO

STATE OF FLORIDA        )  
                              ) S.S.  
COUNTY OF MIAMI-DADE )

TOMAS CABALLERO, being duly sworn, deposes and states:

1. My name is Tomas Caballero. I am over 18 years of age. I reside at: 11180 S.W. 57<sup>th</sup> Street Miami, Florida. I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit. To my knowledge, all of the facts stated in this affidavit are true and correct.

2. I am the caretaker of Ramon Lopez's homestead, located at 29800 S.W. 183<sup>rd</sup> Court Miami, Florida. I make this affidavit in support of the complaint herein.

3. In my capacity as caretaker, I am in charge of maintaining the above referenced property clean, and in good conditions, as well as receiving the mail for Ramon Lopez, and his family, inspecting the house during weekdays and/or weekends, and staying in the house during weekdays and some weekends.

4. Since the interruption of Mr. Lopez and his family's mail, I have been obligated to travel to the Homestead Utility Company to pay for utility bills incurring additional expenses, including late payments, because such bills were not delivered to Lopez's house by the Postal Service. Further, I was obligated to request the Homestead Utility to mail Mr. Lopez's electrical bill to my house.

5. On repeated occasions I have visited the Postal Service Office in Homestead, Florida to resolve this interruption of the mail, to no avail. Among the excuses by the Postal Service are, that the supervisor in charge has been either, at a meeting, temporarily out of his office, or unavailable.

6. On about two occasions I approached the postal carrier serving the area where Mr. Lopez's house is located, to question her about the interruption of mail to Mr. Lopez's house and she has responded in a very unpolite and sarcastic manner that "the mail has been interrupted because the house is vacant". Upon my claim that the house is not vacant, because I am taking care of it", she has responded in the same manner that "it has been already decided that way and there is nothing that can be done".

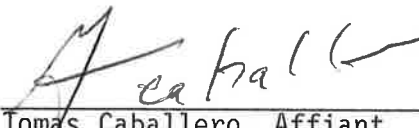
7. In spite of the above, on some occasions, when a substitute postal carrier has been serving the area, I have received the mail addressed to Mr. Lopez.

8. It is my personal opinion that the denial of mail service to Mr. Lopez's house relate to his condition of being incarcerated. Further, the harsh and hostile responses received from the postal carrier lady assigned to the area where Mr. Lopez's house is located, have been in response to my broken English and ethnic origin suggesting a discriminatory nature.

9. Due to the mail service suspension to Mr. Lopez's house, his Homestead Tax Exemption for the year 2011 was never delivered and thereby cancelled after the Automatic Residential Receipt, usually mailed on January-February 2011, was returned by the U.S. Postal Service as undeliverable, which at this time is causing a substantial financial loss and extenuating efforts by Mr. Lopez and myself in trying to correct the matter.

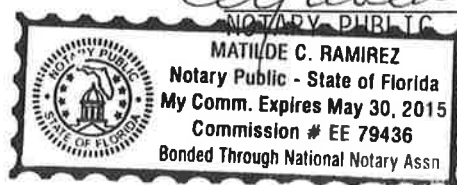
10. Since September 2011, I moved a family in need (a married couple with children), to the house, rent free with the sole purpose of occupying the house, and to take care of it and receive any mail addressed to Mr. Lopez. However, the mail service still continues to interrupt the mail even for the family occupying the house.

FURTHER AFFIANT SAYETH NAUGHT

  
Tomas Caballero, Affiant

Sworn and Subscribed before me on this 23 day of March 2012,  
by Tomas Caballero, who is (personally known to me) and who identified himself as  
such person, and produced a Florida Driver's Licence No: C146-801-43-087-0

MY COMMISSION EXPIRES:



UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

RAMON LOPEZ,

Complainant,

v.

CASE No. C2011-5

U.S. POSTAL SERVICE,

Respondent.

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DECLARATION IN SUPPORT  
OF COMPLAINT AND REPLY

I, Ramon Lopez, hereby declare the following:

1. I am the complainant in the above docketed case number. I make this declaration in support of previously filed complaint and reply to the United States Postal Service's ("USPS") answer to my complaint regarding its refusal to provide mail service to my homestead as required by law.

2. I am the owner of the house located at 29800 S.W. 183 Ct, (also addressed as: 2100 N.W. 9<sup>th</sup> Ave.) Homestead, Florida 33030. I have been the owner of such property since on or about 1987-88. Since then, it has been my legal residence address, and I have received all mail (expressly official mail such as utility bills, property taxes notices/exemptions, etc, etc...) without interruption until April 2010.

3. The interruption and cease of mail service to my house since April 2010, without warning, reason and/or request to do so, was caused by either negligence, bad faith, and/or in violation of the Postal Service Procedures and policies.

4. The suspension of mail delivery has created a series of substantial and unnecessary expenses in my attempts to have it restored, and by having to pay late payment fees on my utility bills, including the loss of the Homestead Exemption to my property for the year 2011 when the Automatic Residential Receipt, usually mailed by the County during the months of January/February, was returned by the U.S. Postal Service as undeliverable despite the fact that the property is listed under my name. These expenses have amounted to date to a total of \$2,500.00.

5. The continued interruption of mail service, and the continued refusal to restore such service, in spite of all other attempts to have it restored, appear to be motivated by my condition of being incarcerated, and/or my ethnic background.

6. The interruption of mail service to my house and the refusal to restore it, allegedly because the house is vacant, is nothing more than an excuse to justify such arbitrary action, since the house has never been legally vacant.

7. The fact that the person authorized to live in the house --Maricela Perez<sup>1</sup> -- moved out of the house on March 2010, does not renders or classifies the property as vacant because it was immediately cared for by my friend Tomas Caballero. Further, the house was not deprived of its contents or abandoned.

8. County records show that the property remains under my name and that I pay taxes for such property every year; that the utilities, such as electricity, etc, etc...remain under my name and have not been interrupted, or requested to be interrupted. Thus, the fact that I am presently incarcerated does not diminish or interrupts my ownership and legal residency of the house, nor does it renders it legally abandoned or unoccupied for that matter. The house is being properly cared for and attended by, Mr. Caballero<sup>2</sup>.

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<sup>1</sup> Any other person claiming residency in the house was doing so illegally. See Document attached as **EXHIBIT: A.**

<sup>2</sup>See also, attached hereto, Affidavit of Tomas Caballero.

9. The determination by the (white female) assigned mail carrier to: (1) generate a "Move Left No Address" order; (2) refuse to deliver mail under my name; (3) refuse to restore mail service addressed to the house, and (3) her harsh and unpolite responses to various inquiries about her actions, are illegal and amount to an abuse of authority, and appear to be discriminatory or racially motivated, and carry no basis of foundation since all utility bills and ownership of the house as well as other type of mail, remain under my name as registered owner of the property, and no interruption has been requested for such mail, which she refuse to deliver.

10. The bias and prejudice demonstrated by of such mail carrier (the white female) is evident by the fact that when a substitute mail carrier services the area, all mail addressed to me and/or to my house is delivered without any problems. In any event and at most, the "Move Left No Address" order should have been made only in regards to Maricela Perez's mail if in fact she did not notify the postal service of her new address.

11. For all of the above reasons, and those expressed in my complaint and reply to the Postal Service response, I respectfully request that all mail under my name, or pertaining to the property in question, be restored immediately and without further delay. See Complaint.

Executed under penalty of perjury pursuant to Title 28 U.S.C. §1746, on this

26<sup>th</sup> day of March, 2012. <sup>RL</sup>

Respectfully Submitted,



Ramon Lopez, Complainant  
FCC Coleman  
P.O. Box 1033  
Coleman, FL 33521-1033



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# **EXHIBIT A**

July 12, 2011

General Counsel  
U.S. Postal Service  
Washington, DC 20260

Re: FOIA Appeal,  
FOIA Request No. 2011-FPRO-0475

Dear General Counsel:

This is an appeal under the provisions of the Freedom of Information Act, (FOIA).

On February 21, 2011, I requested information from the United States Postal Service (USPS) related to its refusal to deliver "mail addressed to my person to homestead," located at 29800 SW, 183 Ct., Homestead, FL 33030. My request was assigned the above-referenced identification number. On July 8, 2011 and more than 120 days after seeking such information, I received a letter signed by Juan Nadal, Consumer and Industry Contact Manager, responding that my mail had been interrupted in April 2010, as per a Move Left No Address order issued by an unnamed "assigned" Letter Carrier, (see attached, as Exhibit A, copies of the above mentioned documents). However, such a response did not explain, if there was a Change of Address (COA) request on my name, and/or attached a copy of the Moved Left No Address (MLNA) order.

I appeal such a response as irresponsible of my request because: First, such a response did not explain/provide supporting information about the reasons why **my mail, specifically addressed to my person** was interrupted without a MLNA request on my name, and continued interrupted to this present date, after numerous verbal, telephonic, and written requests to restore mail service to my house. Second, the information I'm seeking is not protected under Exemption 6 of the Act, among others as I'm not seeking the names of individuals, that (except Ms. Maricela Perez) were illegally using my house address as these should be a matter of concern for the USPS not for me. Third, assuming for the sake of the argument that such names had been requested and as such there is a privacy interest involved, the names of individuals claiming residence of my house were not protected by such Exemption because there is no significant or substantial privacy interest on the names of individuals falsely claiming my house as their residing house. More, because the agency claiming an exemption is required to provide "any reasonable segregable portion of a record after deletion of the portions which are exempt," 5 U.S.C. §552(b).

Thank you for your effort and time considering this appeal.

Cordially,

---

Ramon Lopez  
FCC-USP 1  
PO Box 1033-42004004  
Coleman, FL 33521-1033

c: file  
Enclosure: (2)

CONSUMER AFFAIRS  
SOUTH FLORIDA DISTRICT



June 30, 2011

Ramon Lopez  
FCC – USP 1  
P.O. Box 1033-42004004  
Coleman, FL 33521-1033

RE: Freedom of Information Act Request – 2011 – FPRO - 00475

Dear Ramon Lopez:

This responds to your Freedom of Information Act (FOIA) request dated February 21, 2011 in which you seek access to Postal Service records concerning the refusal to deliver mail to address 29800 SW 183<sup>rd</sup> Court, Homestead, FL 33030. After reviewing your request and conducting an investigation to why your mail is not being delivered we determined that on March, 27 2010 a Change of Address (COA) order was submitted for multiple individuals that resided at 29800 SW 183<sup>rd</sup> Court, Homestead, FL 33030. Mail addressed to this address under Ramon Lopez was delivered until April 28, 2010 at which time a Moved Left No Address order was generated by assigned Letter Carrier as mail was not received for more than thirty days.

For the reasons that follow, we are unable to provide the names and information related to the individuals who submitted COA request for the above referenced address.

FOIA Exemption 6 permits agencies to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Any records, which contain information concerning particular individuals, may qualify for the exemption's protection. Therefore, records that relate to Change of Address records about certain individuals are "files" within the meaning of the exemption.

In determining whether to release records that may be protected by Exemption 6, the agency must balance the privacy interests of the individuals involved against the public interest, if any, that would be served by disclosure. We do not consider that there is a public interest in the disclosure of the requested information sufficient to outweigh the privacy interests of the individuals involved. For the purposes of FOIA Exemption 6, the only public interest to be weighed is the extent to which disclosure would service the "core purpose" of the FOIA, which is to contribute significantly to public understanding of the operations or activities of the government, or, in other words, to shed light on the conduct of government agencies.

You have the right to appeal this response by writing to the General Counsel, U.S. Postal Service, Washington, DC 20260, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why it is believed to be erroneous, and the relief sought, along with copies of your original request, this letter, and any other related correspondence.

Sincerely,

A handwritten signature in dark ink, appearing to read "Juan Nadal", written over a horizontal line.

Juan Nadal  
A/Consumer and Industry Contact Manager

16000 PINES BOULEVARD  
PEMBROKE PINES, FLORIDA 33082-9633  
TELEPHONE: (954) 436-4468  
FACSIMILE: (954) 450-3015

February 21, 2011

---

General Counsel  
US Postal Service  
47 L'Enfant Plaza, SW  
Room 6004  
Washington, DC 20260-1100

Re: Freedom of Information Act Request

Dear General Counsel:

Please send me copies of any information related to the refusal by U.S. Postal Service in Homestead, Florida for zip code 33030 to deliver mail to my house located at 29800SW 183rd Court, Homestead, FL 33030. I make this request under the provisions of the Federal Freedom of Information Act.

Should decided that you cannot send the information that I have requested, please explain the reasons for your decision so that I can prepare an appeal.

Since, this matter has prolonged for almost a year and is affecting me greatly, I would like to have this information as soon as possible.

Thank for your time and effort in this matter.

Cordially,

---

Ramon Lopez  
FCC-USP 1  
PO Box 1033-42004004  
Coleman, FL 33521

c: file